

### REMARKS

Claims 100-130 remain in the present application. Claims 69-99 are cancelled herein. Claims 100-130 are added herein. Applicants respectfully submit that no new matter has been added as a result of the claim amendments. Applicants respectfully request further examination and reconsideration of the rejections based on the arguments set forth below.

### Double Patenting

#### Claims 69-70, 73-74, 76-80, 83-84, 86-90, 93-94 and 96-99

Claims 69-70, 73-74, 76-80, 83-84, 86-90, 93-94 and 96-99 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-18 of United States Patent Number 6,992,659 in view of United States Patent Number 5,812,188 to Adair (referred to herein as "Adair") further in view of United States Patent Number 4,821,029 to Logan et al. (referred to herein as "Logan") further yet in view of Figures 1 and 2 of the instant application (referred to herein as "the Figures") and further yet in view of United States Patent Number 6,590,622 to Nakanishi et al. (referred to herein as "Nakanishi"). Claims 69-70, 73-74, 76-80, 83-84, 86-90, 93-94 and 96-99 are cancelled herein, and thus, Applicants respectfully submit that a discussion of the double patenting rejection of Claims 69-70, 73-74, 76-80, 83-84, 86-90, 93-94 and 96-99 is moot.

Claims 71-72, 81-82 and 91-92

Claims 71-72, 81-82 and 91-92 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-18 of United States Patent Number 6,992,659 in view of Adair further in view of Logan further yet in view of the Figures further yet in view of Nakanishi and further yet in view of United States Patent Number 5,686,705 to Conroy et al. (referred to herein as "Conroy"). Claims 71-72, 81-82 and 91-92 are cancelled herein, and thus, Applicants respectfully submit that a discussion of the double patenting rejection of Claims 71-72, 81-82 and 91-92 is moot.

Claims 75, 85 and 95

Claims 75, 85 and 95 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-18 of United States Patent Number 6,992,659 in view of Adair further in view of Logan further yet in view of the Figures further yet in view of Nakanishi and further yet in view of United States Patent Number 3,757,322 to Barkan et al. (referred to herein as "Barkan"). Claims 75, 85 and 95 are cancelled herein, and thus, Applicants respectfully submit that a discussion of the double patenting rejection of Claims 75, 85 and 95 is moot.

Claims 69-70, 73-80, 83-90 and 93-99

Claims 69-70, 73-80, 83-90 and 93-99 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-33 of United States Patent Number 7,348,964 in view of Adair

further in view of Logan further yet in view of the Figures further yet in view of Nakanishi. Claims 69-70, 73-80, 83-90 and 93-99 are cancelled herein, and thus, Applicants respectfully submit that a discussion of the double patenting rejection of Claims 69-70, 73-80, 83-90 and 93-99 is moot.

Claims 71-72, 81-82 and 91-92

Claims 71-72, 81-82 and 91-92 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-33 of United States Patent Number 7,348,964 in view of Adair further in view of Logan further yet in view of the Figures further yet in view of Nakanishi and further yet in view of Conroy. Claims 71-72, 81-82 and 91-92 are cancelled herein, and thus, Applicants respectfully submit that a discussion of the double patenting rejection of Claims 71-72, 81-82 and 91-92 is moot.

Claim Rejections – 35 U.S.C. §112

Claims 69-99 are rejected under 35 U.S.C. §112, first paragraph, and also under 35 U.S.C. §112, second paragraph. Claims 69-99 are cancelled herein, and thus, Applicants respectfully submit that a discussion of the 35 U.S.C. §112 rejections of record are moot.

Claim Rejections – 35 U.S.C. §103

Claims 69-70, 73-74, 76-80, 83-84, 86-90, 93-94 and 96-99

Claims 69-70, 73-74, 76-80, 83-84, 86-90, 93-94 and 96-99 are rejected in the present Office Action under 35 U.S.C. §103(a) as being allegedly

unpatentable over Adair in view of Logan further in view of the Figures and further yet in view of Nakanishi. Claims 69-70, 73-74, 76-80, 83-84, 86-90, 93-94 and 96-99 are cancelled herein, and thus, Applicants respectfully submit that a discussion of the 35 U.S.C. §103(a) rejection of Claims 69-70, 73-74, 76-80, 83-84, 86-90, 93-94 and 96-99 is moot.

Claims 71-72, 81-82 and 91-92

Claims 71-72, 81-82 and 91-92 are rejected in the present Office Action under 35 U.S.C. §103(a) as being allegedly unpatentable over Adair in view of Logan further in view of the Figures further yet in view of Nakanishi and further yet in view of Conroy. Claims 71-72, 81-82 and 91-92 are cancelled herein, and thus, Applicants respectfully submit that a discussion of the 35 U.S.C. §103(a) rejection of Claims 71-72, 81-82 and 91-92 is moot.

Claims 75, 85 and 95

Claims 75, 85 and 95 are rejected in the present Office Action under 35 U.S.C. §103(a) as being allegedly unpatentable over Adair in view of Logan further in view of the Figures further yet in view of Nakanishi and further yet in view of Barkan. Claims 75, 85 and 95 are cancelled herein, and thus, Applicants respectfully submit that a discussion of the 35 U.S.C. §103(a) rejection of Claims 75, 85 and 95 is moot.

### Claims 100-130

Applicants respectfully direct the Examiner to independent Claim 100 that recites a portable electronic device comprising (emphasis added):

- a processor;
- a memory coupled to said processor; and
- a display assembly comprising:
  - a display comprising a display surface and a first side;
  - a digitizer disposed above said display; and
  - a cover disposed above said digitizer and operable to enable said deformation of said digitizer responsive to a contact with said cover,wherein a first portion of said cover overlaps said display surface, wherein a second portion of said cover overlaps said first side of said display, and wherein said cover comprises at least one bend joining said first and second portions.

Independent Claims 111 and 121 recite elements similar to independent Claim 69. Claims 101-110, 112-120 and 122-130 depend from their respective independent Claims and recite further elements of the claimed invention.

Applicants respectfully submit that Adair fails to teach or suggest the elements of “a cover disposed above said digitizer and operable to enable said deformation of said digitizer responsive to a contact with said cover” as recited in independent Claim 100. As described in the present application, a cover is disposed above a digitizer and operable to enable deformation of the digitizer responsive to a contact with the cover.

In contrast to the claimed embodiments, Applicants understand Adair to teach a rigid enclosure for a monitor which does not allow deformation of a digitizer responsive to a contact with the cover as claimed (see Figure 4 and the Abstract of Adair). Accordingly, Applicants respectfully submit that Adair teaches

away from the claimed embodiments by teaching a cover which does not allow deformation of a digitizer instead of a cover which does allow deformation of a digitizer as claimed.

Although page 49 of the rejection suggests that Adair teaches a flexible enclosure, Applicants respectfully submit that any such teaching of Adair is with respect to an embodiment *other than* that shown in Figures 3 and 4 of Adair. For example, although Adair may teach a flexible enclosure with respect to a first embodiment (e.g., shown in Figures 1, 1a and 2 and described in line 66 of column 4 to line 58 of column 5) and also with respect to certain other embodiments (e.g., shown in Figures 5, 6, 7 and 8 and described in line 38 of column 6 to line 28 of column 8), Adair fails to teach or suggest a flexible enclosure with respect to the second embodiment (e.g., shown in Figures 3, 3(a), 4 and 4(a) and described in line 59 of column 5 to line 37 of column 6). Therefore, assuming *arguendo* that element 56 of Figure 4 of Adair is analogous to the claimed digitizer as suggested by pages 15 and 49 of the rejection, Applicants respectfully submit that Adair fails to teach or suggest a device utilizing a flexible enclosure which also includes a digitizer as claimed. Accordingly, Applicants reiterate that Adair fails to teach or suggest the elements of “a cover disposed above said digitizer and operable to enable said deformation of said digitizer responsive to a contact with said cover” as recited in independent Claim 100.

Additionally, Applicants respectfully submit that Logan and/or the Figures, either alone or in combination with Adair, fail to cure the deficiencies of Adair discussed herein. More specifically, Applicants respectfully submit that Logan and/or the Figures, either alone or in combination with Adair, also fail to teach or suggest the elements of “a cover disposed above said digitizer and operable to enable said deformation of said digitizer responsive to a contact with said cover” as recited in independent Claim 100.

Further, Applicants respectfully submit that Nakanishi, either alone or in combination with Adair, Logan and/or the Figures, also fails to teach or suggest the elements of “a cover disposed above said digitizer and operable to enable said deformation of said digitizer responsive to a contact with said cover” as recited in independent Claim 69. In contrast to the claimed embodiments, Applicants fail to find any teaching or suggestion in Nakanishi of a cover disposed above a digitizer which includes at least one bend as claimed. Additionally, although Nakanishi may teach a touch panel with hard coat layer 19, Nakanishi teaches that hard coat layer 19 does not include any bends (Figures 2 and 3). Therefore, Applicants respectfully submit that hard coat layer 19 as taught by Nakanishi is not analogous to a cover including at least one bend as claimed.

For these reasons, Applicants respectfully submit that independent Claim 100 is not rendered obvious by the cited references of record. Since independent Claims 111 and 121 recite elements similar to independent Claim

100, Applicants respectfully submit that independent Claims 111 and 121 are also not rendered obvious by the cited references of record. Since Claims 101-110, 112-120 and 122-130 recite further elements of the invention claimed in their respective independent Claims, Applicants respectfully submit that Claims 101-110, 112-120 and 122-130 are also not rendered obvious by the cited references of record. Thus, Applicants respectfully submit that Claims 100-130 are allowable.



### CONCLUSION

Applicants respectfully submit that Claims 100-130 are in condition for allowance and Applicants earnestly solicit such action from the Examiner.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 50-4160.

Respectfully submitted,

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Dated: 11 / 30 / 2010

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